

ORDINANCE NO. 080903

Amending Chapter 63, Code of Ordinances, by repealing Section 63-34, Application, review process and issuance of permit upon payment of fees, and enacting in lieu a new section of like number and subject matter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 63, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 63-34, Application, review process and issuance of permit upon payment of fees, and enacting in lieu a new section of like number and subject matter, to read as follows:

Sec. 63-34. Application, review process and issuance of permit upon payment of fees.

(a) *Application and review process:* Any person requesting a site disturbance permit must submit an application to the director. The applicable fees pursuant this section shall be paid at the time of filing for review, resubmittal, and permit issuance. After review of an application, the director shall notify the applicant of such further action and reviews as necessary. If an application is approved, the applicant may procure the required permit for the Work within 365 days. If the required permit for the Work has not been procured, then the approval of the application shall be null and void, provided that the director may waive re-application for Plan review or may extend the time for action by the applicant for a period not to exceed 180 days upon request by the applicant if the director determines that there exist circumstances beyond the control of the applicant preventing procurement of the permit for the Work. Not more than one extension shall be allowed. Thereafter, a new application and new fee shall be required. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the director.

An applicant shall submit a Plan to the director for QCR and certify that all of the necessary Erosion and Sediment Control Plan components are contained in the Plan as required by the site disturbance submittal checklist. If as certified, all of the Plan components have been submitted, but the submittal fails QCR for other omissions or deficiencies not set out in the checklist, no additional fee will be charged for subsequent QCR submissions by the applicant, if any, required by the director. If any QCR determines that Plan does not contain all of the components certified by the applicant, then the applicant shall pay the city an additional fee of \$63.00 for each subsequent submittal for QCR made necessary by applicant's failure to satisfactorily cure the deficiencies.

If the Plan passes QCR, then the Plan shall be submitted for technical review of the Plans and applicant shall pay the initial technical Plan review fee in an amount equal to \$73.00 per acre of disturbed area. If after the initial technical review the director determines that there are technical deficiencies in the Plan, the director shall notify

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applicant of the deficiencies and offer RCR services, and applicant may resubmit the Plan for a second technical review without an additional review fee. Prior to a second technical review the applicant shall submit a revised Plan for QCR and certify that all of the necessary Plan components, additions, or changes previously noted by the director are contained in the Plan. If any QCR determines that Plan does not contain all of the revised components certified by the applicant, then the applicant shall pay the city an additional fee of \$63.00 for each subsequent QCR made necessary by applicants failure satisfactorily cure the QCR deficiencies. On second technical review and all technical reviews thereafter, if the director determines that the applicant has failed to satisfactorily cure the technical deficiencies previously noted on prior technical reviews, then the applicant shall pay the city an additional resubmittal technical review fee in an amount equal to ~~0.25%~~ 28% of the initial technical review fee for each subsequent technical review made necessary by applicants failure to satisfactorily cure such deficiencies.

If after the technical review the director determines that the Plan application is in substantial compliance with city's regulations and adopted standards, the director shall notify applicant of application approval for permit issuance. The applicant shall pay the permitting fee in an amount equal to \$162.00 per acre of disturbed area and such other fees as set forth herein, and procure the required permit as provide herein. The determination that the Plan is in compliance with city regulations does not imply that the city is guaranteeing specific outcomes nor is the city accepting any responsibility for the Plan.

The application shall be submitted on a form promulgated by the director and shall include the names, addresses, and telephone numbers of the developer/owner of the property, the applicant and lead contact, the contractors or subcontractors actually performing the land disturbing activity and their respective tasks, the engineer responsible for the preparation of the site map and grading plan, and the engineer responsible for preparation of the erosion and sediment control plan. In addition to the application form, the person shall submit the following items:

- (1) a site map and clearing and grading plan that is in compliance;
- (2) an erosion and sediment control plan that is in compliance;
- (3) work schedule;
- (4) site disturbance permit fees; and
- (5) security for performance of work, if required.

(b) *Issuance of permit upon payment of fees:* As a condition for issuance of a site disturbance permit, the applicant shall pay a basic Plan fee in an amount equal to \$235.00 per acre of disturbed area, and such other fees as set forth herein or as required, to defray the cost of Plan review services, quality control review (QCR) services, review comment resolution (RCR) services, resubmittal review services, permitting services, supervision,

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and inspection services. The basic Plan fee shall be composed of both an initial technical Plan review fee for Plan review services, (QCR) services, and (RCR) services in an amount equal to \$73.00 per acre of disturbed area to cover the cost of Plan review services, quality control review (QCR) services, review comment resolution (RCR) services, re-submittal review services, permitting services and \$162.00 per acre of disturbed area to defray the cost of supervision, and inspection services. In no case shall the basic Plan fee be less than \$300.00. The minimum inspection fee shall also be adjusted by a factor to account for the duration of the permit. The fact shall be individually calculated based on staff estimates for each permit duration requested. The following formula shall be utilized in computing the factor: (Requested Duration divided by the product of 0.75 months times the disturbed area in acres). The computed factor shall never be less than 1.

(c) *Supplementary fees.* The fee for a supplementary review of site disturbance to cover any additional area or scope not included in the original permit shall be the difference between the fee paid for the original application or permit and the fee, which would have been required, had the original application or permit included the entire area or scope of the Work. The minimum supplemental site disturbance fee assessed shall be \$300.00.

(d) *Optional preliminary code review design meetings or consultation services.* When requested by the applicant, meetings may be conducted to review the requirements and/or codes pertaining to the applicant's project and a fee shall be assessed at the time of the meeting based on the area of the project as follows:

- (1) Total project area less than or equal to 3 acres ..no fee
- (2) Total project area greater than 3 acres and less than or equal to 10 acres...\$67.00
- (3) Total project area greater than 10 acres and less than or equal to 15 acres...\$131.00
- (4) Total project area greater than 15 acres..\$198.00

These fees shall be in addition to any other fees required.

(e) *Priority Project review fee.* When priority status is requested by the applicant, a fee of 2 times the review fee shall be assessed. Eligibility for priority status shall be determined by the director, or directors designate, based on the complexity of the project and availability of staff to perform the review. This fee shall be in addition to any other fees required.

(f) *Changes to Reviewed Plans.* Review of such changes shall be assessed a fee at the time of the review based on the scope of the review as follows:

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- (1) Minor changes requiring limited review..\$48.00
- (2) Major changes requiring review of design elements.1/2 of basic plan fee

The director of designee shall have the authority to determine the extent of the changes requested and the fee which shall apply. This fee shall be in addition to any other fees required.

(g) *Permit extension fee.* Applicant may request an extension of a permit issued and pay a fee sufficient to cover the additional administrative and inspection costs associated with the extension. Extension fees shall be individually calculated based on staff estimates for each permit extension requested.

(h) *Enforcement fees.* When enforcement actions are necessary above normal notification of deficiencies, a fee shall be assessed to cover the additional administrative, review and inspection costs of enforcement actions. Enforcement fees shall be individually calculated based on staff estimates of additional costs for records management, research and enforcement action outside of normal inspection and review duties. This fee shall be in addition to any other fees required and paid, court finds imposed and paid, court costs or any other related expenses.

(i) *Commencement of work without permit.* Whenever any work for which a permit is required by this section has commenced without first obtaining a permit, an investigation may be made before a permit is issued for such work and all fees specified for obtaining such permit shall be tripled. In addition, the permittee shall file a bond conditioned to protect and save harmless the city from all claims for damage or injury or death to other persons by reason of such construction work, as specified in Section 64-4(g) of Chapter 64. This provision shall not be construed as permission to begin work without the required permit.

(j) *Payment of fees.* All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the director during times of declared emergency.


(k) *Fee refunds.* For fees specified in this section, if no portion of the application for Plan review or permit inspection has commenced, the applicant may request in writing that the application be canceled. The applicant shall then be entitled to a refund of 90 percent of the applicable fee actually paid, except that a full refund will be made when the fee was paid or collected in error. If Plan reviews or permit inspections have commenced prior to receipt of a written request for cancellation of the application for a site disturbance, then a refund will not be made. No refund will be made if a request for a refund has been made more than 30 days after the site disturbance has expired and no Work has commenced.

(l) *Adjustment of fees.* The city manager shall have the authority to adjust the fees listed above to reflect the change in the consumer price index (all items/all urban consumers/Kansas City, Missouri/Kansas) published by the United States Department of

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Labor, Bureau of Labor Statistics. The costs of processing the site disturbance permit must be increased by the CPI Index indicated above. The adjustments, if any, shall be made annually by the city manager in conjunction with the adoption of the annual budget of the city by filing a notice with the city clerk. Notwithstanding anything herein to the contrary, the council may modify or waive the imposition of the fees established herein if the council determines that it is in the public interest to do so.


Approved as to form and legality:



M. Margaret Sheahan Moran
Assistant City Attorney



Authenticated as Passed



Mark Funkhouser, Mayor



Vickie Thompson, City Clerk

SEP 18 2008

Date Passed